

## Hair dyes

March 7 is deadline for comments on **Food and Drug Administration's** (FDA) proposal to require a warning statement and warning poster (to be displayed in beauty salons), for certain coal tar hair dyes containing 4-methoxy-m-phenylenediamine (4MMPD) and its sulfate (4MMPD sulfate). These chemicals are also known as 2,4-diaminoanisole (2,4-DAA) and 2,4-diaminoanisole sulfate (2,4-DAA sulfate).

FDA decided to propose the warnings on posters and labels after the **National Cancer Institute** (NCI) reported that some of these dyes cause cancer in animals [CONSUMER NEWS: Jan 1]. FDA and other organizations believe that animal studies are the best available means of measuring the possible cancer-causing effect of chemical substances on human beings. They note that experience has indicated that compounds causing cancer in humans usually cause cancer in one or more experimental animal systems. In addition, they have found that compounds first detected as cancer-causing agents in experimental animals have later been found to cause human cancer.

FDA proposes the following label on the hair dye package: "Warning—Contains an ingredient that can penetrate your skin and has been determined to cause cancer in laboratory animals."

The proposed poster, headed "Hair Dye Notice," would be supplied to the beauty salons by the hair dye manufacturers and would carry the following message: "Some hair dyes contain ingredients which may cause cancer. These hair dyes are required to bear a label warning. Ask to see the label of the product intended for your hair."

Consumers who want to identify hair dyes containing 4MMPD or 4MMPD sulfate before the warning label appears should check the ingredient listing—because, by law, all cosmetics going into distribution channels as of last April 15 were required to carry ingredient labeling. However, because of their long shelf life, many packages without ingredient labeling still remain on the market.\*

FDA says these chemicals are used as tinting agents in many and possibly most permanent type hair dyes at concentrations as high as 2 to 4%. They are generally found in the so-called "cool" or "drab" colors—shades of black, brown and ash tone blondes. They are less likely to be found in vivid warm shades such as reddish or golden blonde, and are not in temporary or semi-permanent tints or rinses.

Details—*Federal Register*: Jan. 6, page 1101. Send comments to Hearing Clerk (HFC-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. For more information write or call John Wenninger, Food and Drug Administration, 200 C St., SW, Washington, DC 20204; telephone 202-245-1061.

\*NOTE: For consumers who may still be buying these hair dye products without the required ingredient labeling—and before the warning label appears—CONSUMER REGISTER is listing the following information on popular hair dyes as published in *The Washington (DC) Post*:

"A Clairol spokesman says there is none of this chemical (4MMPD or 4MMPD sulfate) in Clairesse, Born Blonde Toner, Loving Care, Silk and Silver or Happiness, and that it is present only in some of the permanent hair colors, predominantly in the darker shades.

"The following shades of permanent hair dye do not contain the allegedly dangerous chemical: Clairol Nice N'Easy (Shades 99, 121, 104, 108), Miss Clairol Shampoo Formula

(Shades 16, 22, 27), Miss Clairol Cream Formula (Shades 16, 22, 27, 47), Clairol Creme Toner (Shades 311, 313, 314, 316, 317, 332), L'Oreal Preference (Shades 4R, 6R, 7, 7BA, 8, 8G, 8½, 9, 9½), L'Oreal Excellence (Shades 4R, 6R, 7R, 8G, 8RB, 9), L'Oreal Preference Superblonde Toners (Shades 10TE, 10TF, 10TG), L'Oreal Excellence Superblonde Toners (Shade 10TE), Revlon Colorsilk (Shades 3R, 4R, 7G, 8G), Revlon Professional Products in Salons (Shades Young Hair NCT, 15, 17), Revlon Custom Toner (Shades Strawberry Blush, Beige Glow, Morning Wheat, Desert Sand, Tawny Blonde, Frosty Mint, Lilac Snow), Revlon Soft Tint (Shades 1A, 6, 7, 9, 13, 18, 33)."

## Asbestos

**Consumer Product Safety Commission** (CPSC) is banning consumer patching compounds (but not patching compounds solely for industrial use) and artificial emberizing materials (embers and ash used to decorate gas-burning fireplace logs) that contain respirable, free-form asbestos—because inhaling such products could cause cancer.

The artificial emberizing materials were banned Dec. 15, 1977.

The consumer patching compounds may not be introduced into commerce after Jan. 16, but they may be sold until June 12. After that they will be banned from sale, no matter when they entered distribution channels.

Details—*Federal Register*: Dec. 15, 1977. CONSUMER NEWS: Aug. 15, 1977. For more information write or call Charles Jacobson, Consumer Product Safety Commission, Washington, DC 20207; telephone 301-492-6400.

## Red-lining

**Federal Home Loan Bank Board** (FHLBB) will continue to accept comments on proposed changes to its non-discrimination-in-lending regulations and policy statement.

The changes, if adopted, would:

- Prohibit denials of loans and refusal of loan applications, and loan offers on less favorable terms because of the age or neighborhood location of a house or other dwelling. This practice is known as red-lining and involves a lender's refusal to lend mortgage money in older or poorer neighborhoods that appear to be declining in value. (FHLBB's present regulations include prohibitions against discrimination in lending on the basis of race, color, religion, national origin and sex.)

Although the Board acknowledges that a dwelling's remaining economic life and actual physical condition must be considered before a member institution lends mortgage money, "loan denials based upon assumptions regarding a dwelling's age or neighborhood perpetuate discrimination and impede revitalization of older neighborhoods."

- Require member institutions to have written underwriting standards which can be regularly reviewed to assure equal opportunity in lending.

- Update FHLBB requirements by including Equal Credit Opportunity Act prohibitions against discriminatory lending.

Details—*Federal Register*: Nov. 14, 1977, page 58953. Send comments, as soon as possible, to Secretary, Federal Home Loan Bank Board, 320 First St., NW, Washington, DC 20552. For more information write or call Harry W. Quillian at above address; telephone 202-377-6440.

## Charter flight delays

Feb. 13 is deadline for comments on **Civil Aeronautics Board's** (CAB) proposed new regulations on charter flight delays. Proposed changes are the result of a petition filed by CAB's **Office of the Consumer Advocate** (OCA) which said existing rules allowing up to 48-hour delays on charter trips should be changed.

Highlights of the proposal include:

- A uniform allowable delay of 6 hours would apply to all charters regardless of charter type, destination, duration of trip or type of plane. Existing rules limiting such delays of charter flights apply only to supplemental air carriers (a class of airlines that specializes only in charters). When the airline learns that the departure of a charter flight will be delayed more than 6 hours, it must arrange for and pay the costs of substitute air transportation for the charter group on another charter or a scheduled flight operated by another airline.

- The allowable incidental expenses paid to delayed charter passengers would be changed as follows: (1) Payments would be made at 6-hour intervals beginning 6 hours after the scheduled departure time. (2) The first payment would be \$16 and each subsequent payment would be \$8. (3) The carrier may handle this obligation by providing free meals and lodging instead of the cash payments. (4) The allowable incidental expenses would extend coverage on the outbound trip to passengers whose homes are 50 miles or more from the point of departure. (Existing regulations cover passengers only on the return leg of their charter flights.)

In addition to the proposals, CAB would like to receive comments on the advisability of extending incidental expense allowances to all passengers, no matter how close they live to the departure airport.

Details—*Federal Register*: Dec. 29, 1977, page 64905. Send comments to Docket 31229, Docket Section, Civil Aeronautics Board, Washington, DC 20428. For more information write or call Richard Dyson at above address; telephone 202-673-5444.

## FTC consent order

March 9 is deadline for comments on **Federal Trade Commission's** (FTC) acceptance of an agreement containing a consent order requiring Safeway Stores, Inc., of Oakland, CA to sell advertised items at or below the advertised prices.

Other provisions of the consent order are:

- Safeway must correctly pricemark advertised items and post in its stores copies of advertisements and notices to customers, encouraging them to check the prices of advertised items.

- Safeway must maintain an adequate surveillance program to make sure it complies with the order.

The complaint that led to the consent agreement alleges that in a number of Safeway stores, a substantial number of advertised items were marked and were sold at prices higher than the advertised prices.

An analysis of the consent order is available from the Public Reference Branch, Room 130, Federal Trade Commission, Washington, DC 20580; telephone 202-523-3598.

Details—*Federal Register*: Jan. 10, page 1506. Send comments to Secretary, Federal Trade Commission, Washington, DC

20580. For more information call or write Richard Foster at above address; telephone 202-523-3355.

NOTE: A consent order is for settlement purposes only and is not an admission by the companies involved that they violated the law.

## TRIS policy clarified

**Consumer Product Safety Commission** (CPSC) has issued a notice to clarify its position regarding the flame retardant TRIS, and has withdrawn previous notices in an effort to stem the confusion and uncertainty among consumers and businesses.

The new CPSC "statement of policy" clearly defines TRIS and TRIS-treated products such as TRIS-treated children's sleepwear as "banned hazardous substances" under the Federal Hazardous Substances Act (FHSA). CPSC says its intent is to file individual legal actions "to prevent the sale and to require the statutory repurchase of such products" as authorized by FHSA.

Legal confusion in the past months has centered around the question of whether previous CPSC statements were regulations (which would not be enforceable) or interpretations of FHSA which allow CPSC to take individual actions to enforce the law. The new policy statement defines CPSC's ban on TRIS as an action under the authority of FHSA.

Details—*Federal Register*: Dec. 6, 1977, pages 61593 and 61621; *CONSUMER NEWS*: Sept. 15, 1977; July 1, 1977.

## Charters

**Civil Aeronautics Board** (CAB) has issued liberalized interim rules for chartered airlines. These rules were put into effect on an expedited basis to provide emergency relief for the charter airlines who said their survival was endangered by CAB's approval of sharply discounted fares for scheduled air carriers. Domestically, these discounted fares include the Super-Saver and Super-Coach fares. In the transatlantic market, other low fares have either been approved or proposed, such as Laker's Sky-Train and super-APEX fares.

On Sept. 26, 1977, when President Carter authorized the low transatlantic fares, he urged CAB to "give serious attention to reforming present rules covering charter flights to permit those services to be more competitive with the new low fare scheduled flights . . . Liberalizing charter rules will assist in the expansion of air travel markets and should provide real benefits to consumers and carriers alike."

Interim changes include:

- Reduction of advance purchase period for Advance Booking Charters (ABCs) to 15 days (instead of 30 to 45 days).

- An allowance of 15% fill-up sales on ABCs.

- Elimination of minimum-stay restrictions on ABCs and One-stop-inclusive Tour Charters (OTCs).

- Reduction of the minimum charter group size to 20 on ABCs, OTCs and Inclusive Tour Charters (ITCs).

Details—*Federal Register*: Dec. 30, 1977, page 65487; Oct. 19, 1977, page 55823. *CONSUMER NEWS*: Oct. 1, 1977. For more information write or call Robert Kneisley, Civil Aeronautics Board, Washington, DC 20428; telephone 202-673-5442.

This listing, prepared by Marion Q. Ciaccio, is intended only as summary coverage of selected *Federal Register* items deemed of particular interest to consumers, and it does not affect the legal status or effect of any document required or authorized to be published pursuant to Section 5 of Federal Register Act as amended, 44 U.S.C. 1505. *Federal Register* is published Monday through Friday (except Federal Government holidays) by **Office of the Federal Register, National Archives and Records Service, General Services Administration**. Subscription is \$5 a month or \$50 a year and may be ordered from **Superintendent of Documents, Government Printing Office**, Washington, DC 20402. Superintendent also sells copies of *Federal Register* for 75¢ each. Copies of *Federal Register* may be available in depository libraries.

# consumer comment

Federal agencies want to learn your views on proposals and other items published in the *Federal Register* and CONSUMER REGISTER. Agencies use these comments in their decision making.

These forms are provided for you to use, if you wish, in commenting on these items. For more lengthy comments, feel free to use a plain sheet of paper. Send comment forms to addresses listed in CONSUMER REGISTER summaries. CONSUMER NEWS is publishing these forms in cooperation with the **Food and Drug Administration (FDA)**.

Name \_\_\_\_\_ Date \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Clip this form, fill in blanks, write your comments & mail to agency noted in CONSUMER REGISTER item.

This is my opinion on (title of item in CONSUMER REGISTER) \_\_\_\_\_

by (name of agency) \_\_\_\_\_

published in *Federal Register* on (date) \_\_\_\_\_ on (page) \_\_\_\_\_

(over)

Name \_\_\_\_\_ Date \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Clip this form, fill in blanks, write your comments & mail to agency noted in CONSUMER REGISTER item.

This is my opinion on (title of item in CONSUMER REGISTER) \_\_\_\_\_

by (name of agency) \_\_\_\_\_

published in *Federal Register* on (date) \_\_\_\_\_ on (page) \_\_\_\_\_

(over)

Name \_\_\_\_\_ Date \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Clip this form, fill in blanks, write your comments & mail to agency noted in CONSUMER REGISTER item.

This is my opinion on (title of item in CONSUMER REGISTER) \_\_\_\_\_

by (name of agency) \_\_\_\_\_

published in *Federal Register* on (date) \_\_\_\_\_ on (page) \_\_\_\_\_

(over)

# consumer comment

CONSUMER REGISTER publishes proposed and final rules, regulations and notices of interest to consumers originally appearing in the *Federal Register*. Notices on proposed rules published in the *Federal Register* and summarized in CONSUMER REGISTER give consumers the opportunity to participate in rule making prior to the adoption of final rules. The *Federal Register* is published to provide a uniform system for making available to the public regulations and legal notices issued by Federal agencies.

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

